

Decision No. 30559.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of  
MT. TAMALPAIS & MUIR WOODS TRANSPORTATION )  
CO. (Arthur L. Stewart) for a Certificate ) Supplemental  
of Public Convenience and Necessity. ) Application No. 19660.

Dunn & St. Clair (Orla St. Clair), for Applicant

E. J. Fitzpatrick, for Gray Lines, Inc.

J. J. O'Toole and Dion Holm, for the City and County  
of San Francisco.

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION AND ORDER

Arthur L. Stewart, doing business as Mt. Tamalpais & Muir Woods Transportation Company, in his supplemental application No. 19660 asks for permission to extend his operations from Mill Valley into San Francisco.

A public hearing was held in this matter before Examiner Hall in San Rafael on October 28, 1937.

The Mt. Tamalpais & Muir Woods Transportation Company now operates automotive passenger stage service between Mill Valley and Mt. Tamalpais and Muir Woods in accordance with a certificate issued in Decision No. 27561. The Mt. Tamalpais & Muir Woods Transportation Company has joint tariffs with the Northwestern Pacific Railroad Company whereby passengers from San Francisco are carried by the latter company to Mill Valley and transferred to applicant at that point for Mt. Tamalpais and Muir Woods. Applicant now proposes to extend its service into San Francisco by way of:-

1. Northwestern Pacific Ferry
2. Southern Pacific-Golden Gate Ferries
3. Golden Gate Bridge.

It is proposed to carry passengers from San Francisco by

stage so as to avoid the necessity of transfer at Mill Valley. There was no protest to the granting of this application. The City and County of San Francisco, by its representative, indicated its desire to approve the routes proposed to be used within said City and County. Applicant had not decided at the time of the hearing the exact routing in San Francisco but alleged it would immediately make such a filing with the City and that upon the receipt of approval of the City and County of San Francisco, this routing would be filed with the Commission. This filing has been made and the application should be granted.

Arthur L. Stewart, doing business as Mt. Tamalpais & Muir Woods Transportation Company, is hereby placed upon notice that "operative rights" do not constitute a class of property which should be capitalized or used as an element of value in determining reasonable rates. Aside from their purely permissive aspect, they extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be changed or destroyed at any time by the State which is not in any respect limited to the number of rights which may be given.

#### O R D E R

A public hearing having been held and the matter being under submission, the Railroad Commission of the State of California hereby declares that public convenience and necessity require the establishment and operation by Arthur L. Stewart, doing business as Mt. Tamalpais and Muir Woods Transportation Company, of an automotive passenger stage service for the transportation of passengers and baggage between Mill Valley, Marin County, and San Francisco,

and to operate the same as a part of and in coordination with its existing automotive passenger stage service, except as herein specifically restricted and limited over the following described routes:

Between Mill Valley and San Francisco over the public highway between Mill Valley and Manzanita, (1) thence over and along U. S. Highway #101 and Golden Gate Bridge to San Francisco, or (2) thence via highway to Northwestern Pacific Railroad Company's slip at Sausalito and thence via ferry to Ferry Building, San Francisco.

For the operation of applicant's stages in the City of San Francisco, the following streets and thoroughfares may be used:

Beginning at the Pacific Greyhound Terminal, Fifth and Mission Streets, thence along Mission Street to Sixth Street to Taylor Street to Geary Street to Kearny and Market Streets, thence westerly along Market Street to Golden Gate Avenue to Van Ness Avenue (or continuing along Market Street to Grove Street to Van Ness Avenue), thence along Van Ness Avenue to Lombard Street, thence west along Lombard Street to Golden Gate Bridge approach via the street on the west side of the Palace of Fine Arts.

Between the intersection of Market Street and Grant Avenue, thence along Grant Avenue to Columbus Avenue to Bay Street to Marina Boulevard to Golden Gate Bridge approach.

Between the intersection of Kearny, Market and Third Streets, thence along Third Street to Mission Street, to the Embarcadero, to Bay Street.

Along Mission Street between the intersection of Third and Fifth Streets.

Along Geary Street between the intersection of Van Ness Avenue and Geary Street and the intersection of Taylor and Geary Streets.

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and the same is hereby granted to Arthur L. Stewart, doing business as Mt. Tamalpais and Muir Woods Transportation Company, subject to the following conditions:

- (1) Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed fifteen (15) days from the date hereof.
- (2) Applicant shall commence the service herein authorized within a period of not to exceed One Hundred and Twenty (120) days from the effective date hereof, and shall file in triplicate and concurrently make effective on not less than ten days' notice to the Commission and the public a tariff or tariffs constructed in accordance with

(2) Cont'd.

the requirements of the Commission's General Orders and containing rates and rules which in volume and effect shall be identical with the rates and rules shown in the exhibit attached to the application in so far as they conform to the certificate herein granted, or rates and rules satisfactory to the Commission.

- (3) Applicant shall file, in duplicate, and make effective within a period of not to exceed One hundred and Twenty (120) days after the effective date of this Order, on not less than five (5) days' notice to the Commission and the public, time schedules covering the service herein authorized in a form satisfactory to the Commission.
- (4) The rights and privileges herein authorized may not be discontinued, sold, leased, transferred, nor assigned, unless the written consent of the Commission to such discontinuance, sale, lease, transfer or assignment has first been obtained.
- (5) No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by it under a contract or agreement on a basis satisfactory to the Commission.
- (6) Applicant is authorized to turn its motor vehicles at termini or intermediate points either in the intersection of the streets or by operating around a block contiguous thereto in either direction, and to carry passengers as traffic regulations may require.
- (7) No passengers or baggage having both point of origin and destination between San Francisco and Mill Valley, Marin County, and intermediate points shall be transported.

For all other purposes the effective date of this Order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 31<sup>st</sup> day of January, 1938.

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Commissioners